

CATHCART PROPERTIES, INC.

COMMERCIAL & INVESTMENT REAL ESTATE
DEVELOPMENT • MANAGEMENT • BROKERAGE

RECEIVED

APR 15 1996

April 11, 1996

FCC MAIL ROOM

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: Preemption of Local Zoning Regulation of Satellite Earth Stations, IB Docket No. 95-59

Dear Mr. Caton:

On behalf of Cathcart Properties, Inc., a real estate development and property management firm located in Charlottesville, Virginia, I am writing to you in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on March 11, 1996, regarding preemption of certain local regulation of satellite earth station antennae, and proposing to prohibit enforcement of nongovernmental restrictions on such antennae that are less than one meter in diameter (the "FNPRM"). I enclose six (6) copies of this letter in addition to this original.

Cathcart Properties, Inc., though a real estate development company, is primarily involved in the management of residential properties. Presently, Cathcart Properties, Inc., owns 176 rental units of which 148 are luxury multi-family and 28 are single family residences. Construction on an additional 200 luxury apartment units are slated to begin late this spring. Our luxury apartment units (Lakeside Apartments in Charlottesville, Virginia) boast spectacular lake and mountain views in a serene and pastoral setting and offer amenities as an elaborate clubhouse with fitness center overlooking the lake, billiard room, lakeside pool and hot tub, lighted tennis courts, volleyball court, basketball court and playground.

We are concerned that the proposed rule prohibiting enforcement of nongovernmental restrictions will adversely affect the conduct of our business without justification and needlessly raise legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property for several reasons:

1) The FNPRM incorrectly states that "nongovernmental restrictions would appear to be directed TO aesthetic considerations." Aesthetic considerations are not trivial. The appearance of a building and its environment directly affects its marketability. We all want to live in attractive neighborhoods, and the sight of hundreds of satellite antennae

Ms. Caton's record
LMA 12002
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bolted to the outside walls and railings of residences would certainly be an eye sore!
Aesthetic considerations have definite economic impact.

2) The weight or wind resistance of a satellite and the quality of installation may create maintenance problems and, more importantly, a safety hazard to the residents, building employees, and passers-by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair

3) The technical limitations of satellite technology create problems because all of our residents may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access.

We urge the FCC to avoid interfering in our relationships with our residents. All of the potential problems we cite will adversely affect the safety and security of our property as well as, our bottom line and our property rights.

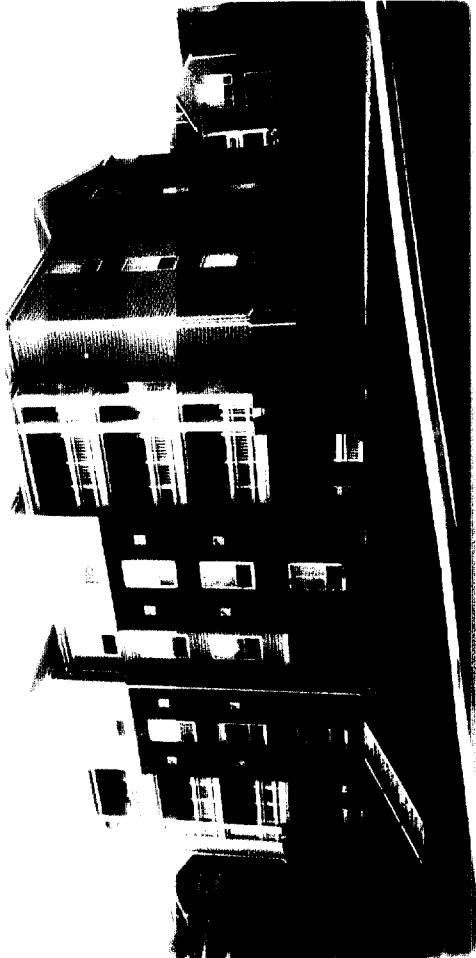
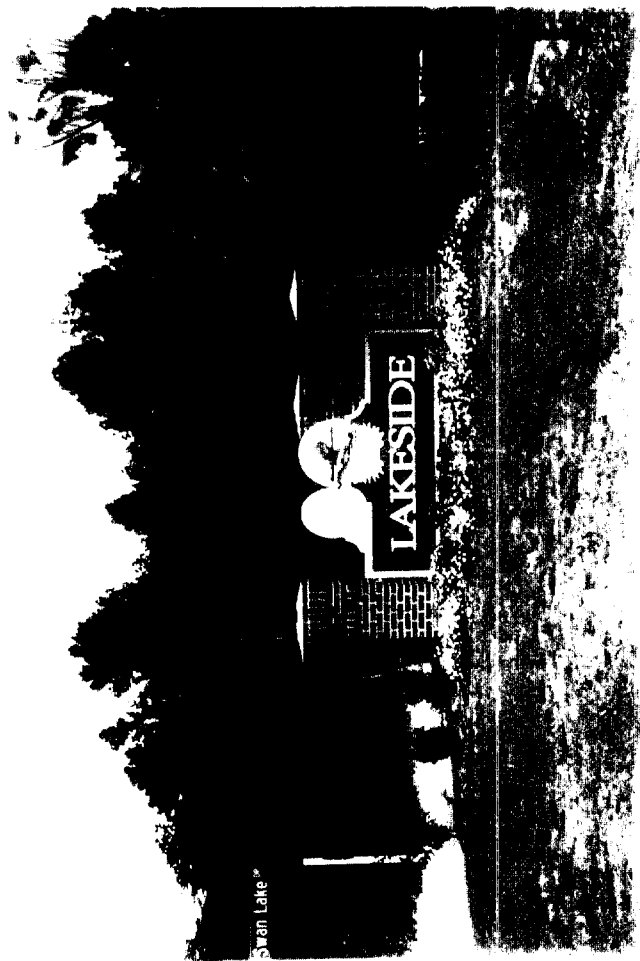
Thanking you for your attention to and consideration of our concerns, I remain

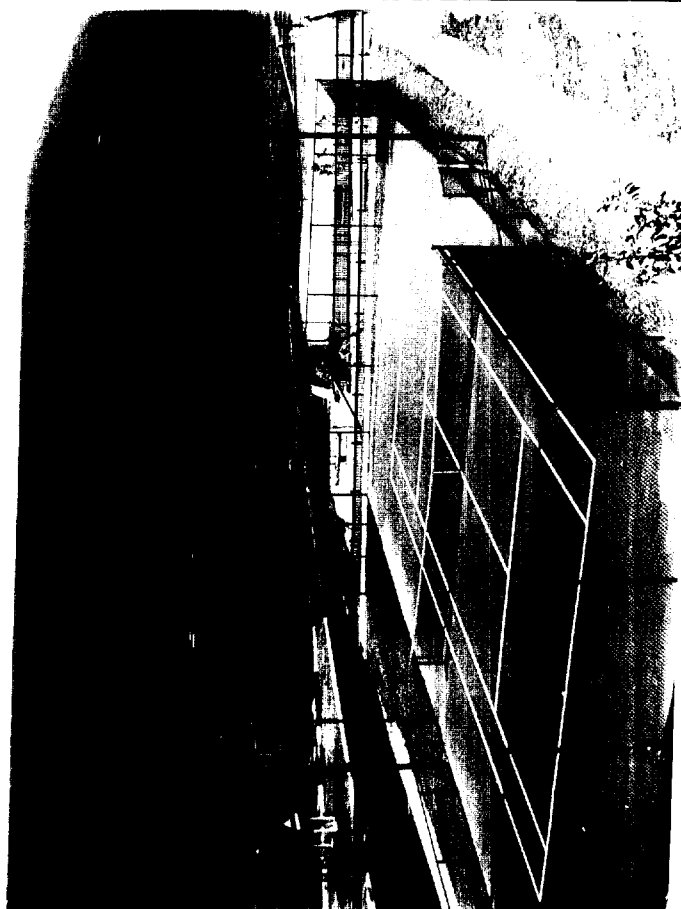
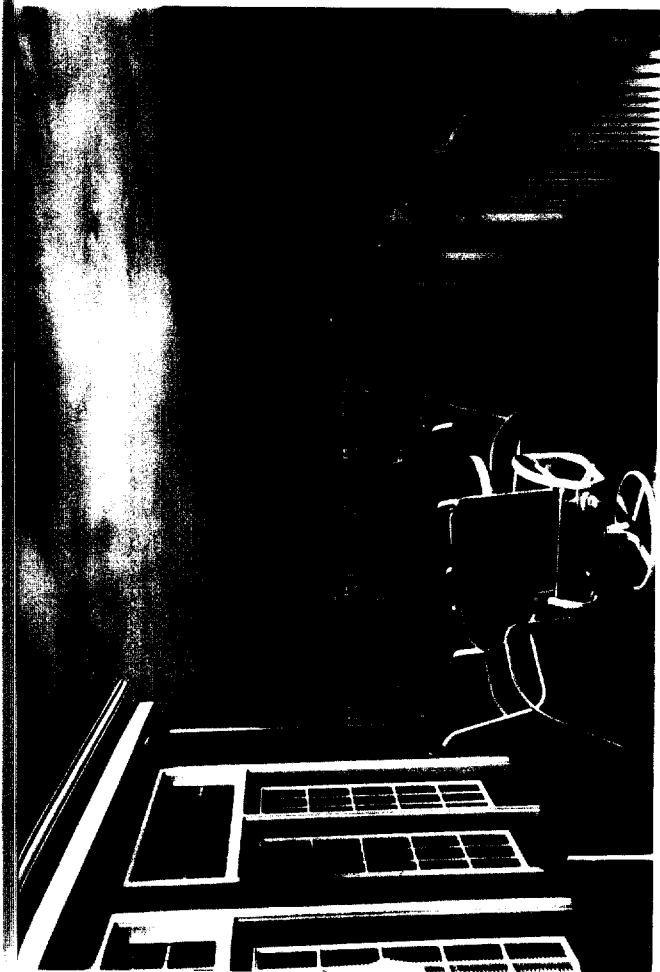
Respectfully yours,

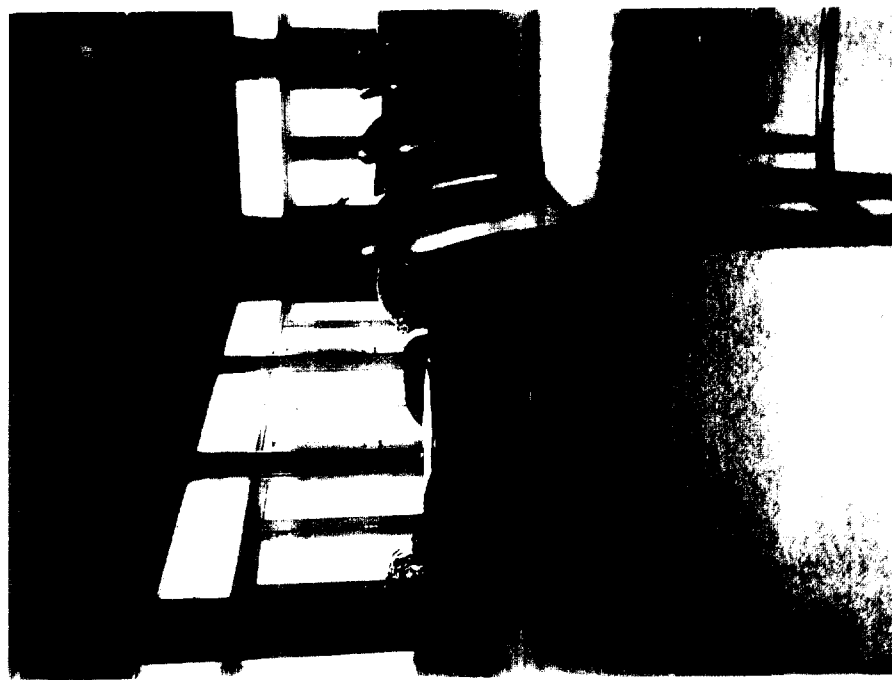
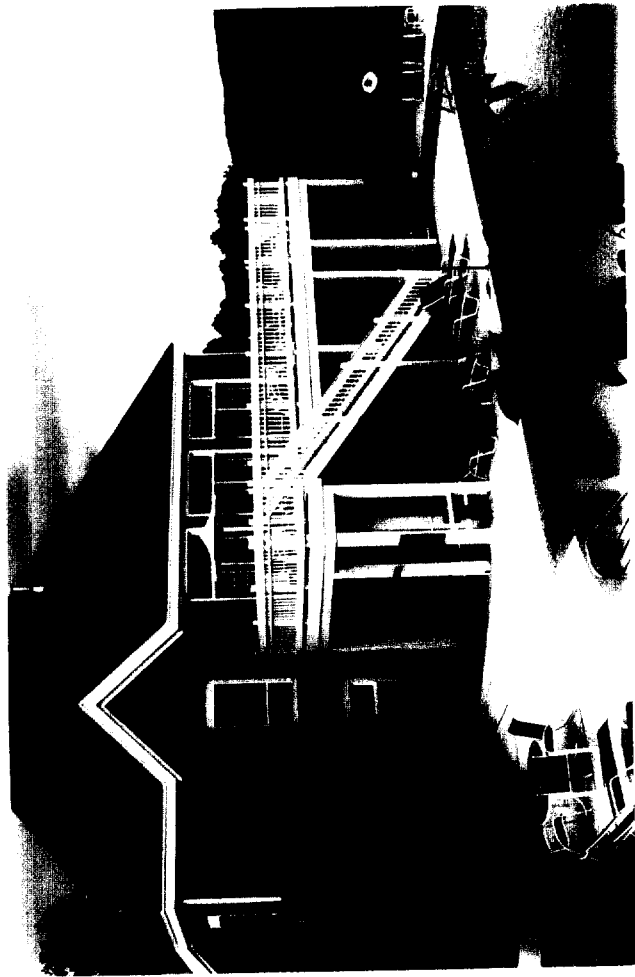


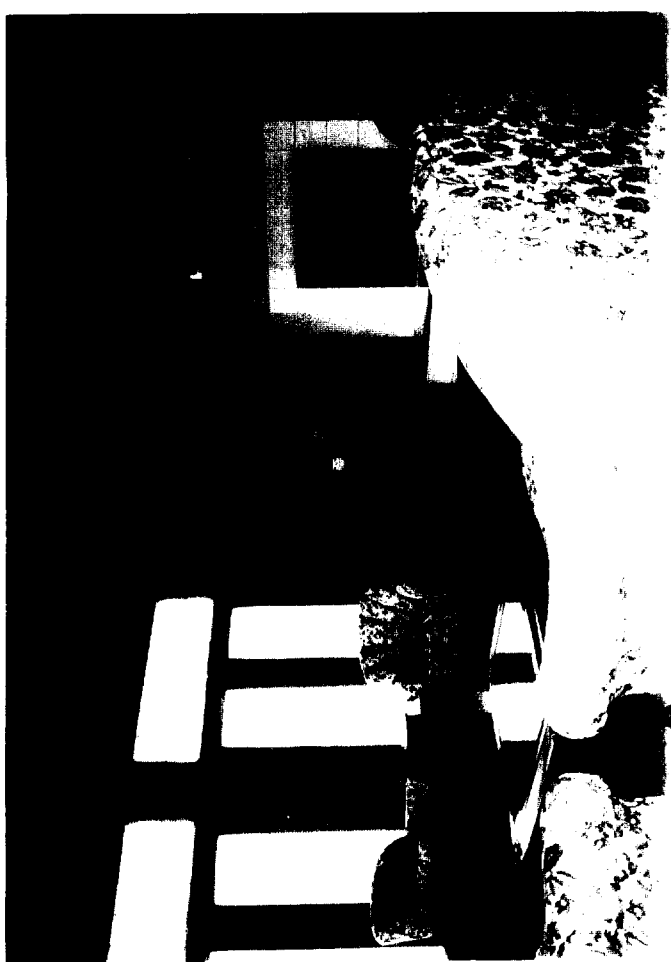
Elena Churillo
Vice President
Management Operations

/eac
enclosure



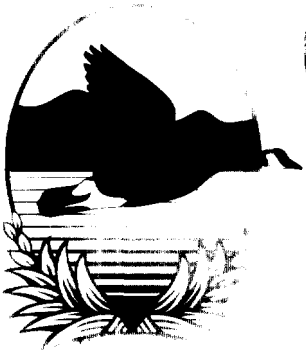






Charlottesville's Newest Luxury Community

**New Apartments
Completed
August 1995**



LAKE SIDE —Luxury—

And at a Very Affordable Price...

One Bedroom - 1 Bath

754 Square Feet
Starting at \$570

Two Bedroom - 2 Bath

1040 Square Feet
Starting at \$670

Three Bedroom 2 Bath

1220 Square Feet
Starting at \$765

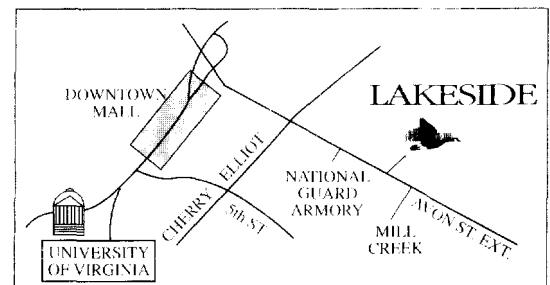
Away from the Traffic...

Southside of Charlottesville away from 29 North traffic

- Just Three Miles (10 Minutes) from UVA and UVA Hospital
- Just Two Miles (5 Minutes) from Downtown Charlottesville

Lakefront Living...

Situated on a 12-Acre lake, Lakeside Apartment Homes offer privileged privacy, nestled in a natural setting with spectacular lake and mountain views.



Conveniently located 2 miles from downtown Charlottesville and 3 miles from UVA.

The Lake Club... *The Lake Club is the focal point of the Lakeside community and every Lakeside resident receives membership free of charge. Swim, sunbathe, relax in a hot tub. Workout in our fitness center. Meet new friends at the pool or clubhouse. Play tennis, volleyball or basketball. Treat yourself to the Lakeside lifestyle. Enjoy the good life.*

- | | | |
|----------------------|------------------------------|---|
| • Fireplaces | • 15 x 7 Decks | • Basketball & Volleyball Courts |
| • French Doors | • Storage Rooms | • Running & Hiking Trails |
| • Washers/Dryers | • 4600 Square Foot Clubhouse | • Playground |
| • Mini-Blinds | • Pool & Hot Tub | • Tennis Court |
| • Oversized Bathtubs | • Fitness Center | • Billiard Room with Billiards, Foosball, and Ping Pong |

(804) 984-LAKE

Developed by: Cathcart & Turner Development Co. and
Denico Development Co.

Managed and Marketed by: Management Services Corp.

